

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED

IN RE: **THURMAN A. RAGAR, JR.**
 ARKANSAS BAR ID # 70009
 CPC Docket No. 2008-062

NOV 25 2008

LESLIE W. STEEN
CLERK

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is premised arose from information brought to the attention of the Committee on Professional Conduct by an Arkansas Supreme Court Per Curiam opinion delivered June 5, 2008. The information related to the representation of William D. Morrison in Crawford County Circuit Court Case No. CR 2006-430, *State of Arkansas v. William Dale Morrison*, by Respondent Thurman A. Ragar, Jr., an attorney practicing primarily in Van Buren, Crawford County, Arkansas. On July 24, 2008, Respondent was served with a formal complaint. The facts giving rise to the complaint are as follows.

On December 4, 2007, the Crawford County Circuit Court, in Case No. CR 2006-430, *State of Arkansas v. William Dale Morrison*, filed its Judgment and Commitment order that sentenced William D. Morrison as an habitual offender to 240 months' imprisonment for failure to register as a sex offender. An Amended Judgment and Commitment Order was entered on December 13, 2007. Pursuant to Rule 5 of the Arkansas Rules of Appellate Procedure—Civil, the record was due to be filed within ninety (90) days from the filing of the first Notice of Appeal unless the time is extended by circuit court order. The notice of appeal was timely filed on December 5, 2007. A request for an extension of time was made, and the circuit court extended the time for filing the record. Nonetheless, the Supreme Court Clerk declined to lodge the record due to a failure to comply with Ark. R. App. P.—Civ. 5(b)(1)(C). That rule provides that all parties have the opportunity to be heard on the motion for extension of time, either at a hearing or by responding in writing.

On May 13, 2008, Mr. Ragar filed a motion for rule on clerk. The Arkansas Supreme Court granted Mr. Ragar's motion for rule on clerk and forwarded to the Committee on Professional Conduct a copy of its opinion. The Court subsequently granted Mr. Ragar's motion to withdraw as attorney on direct appeal. Upon consideration of the formal complaint and attached exhibit materials, the response to it, and other matters before it, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. Mr. Ragar violated Arkansas Rule 1.1 in that he was not thorough enough in his representation of Mr. Morrison to be certain that he complied with the requirements of Ark. R. App. P. —Civ. 5(b)(1)(C). Rule 1.1 requires that a lawyer provide competent representation to a client, including the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

B. Mr. Ragar violated Arkansas Rule 8.4(d) in that his failure to comply with the requirements of Ark. R. App. P. — Civ. 5(b)(1)(C) caused the Court to expend additional time and resources on this appeal, an effort by the Court that would not have been necessary but for his noncompliance. Rule 8.4(d) requires that a lawyer not engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that Thurman A. Ragar, Jr., Arkansas Bar ID # 70009, be, and hereby is, **CAUTIONED** for his conduct in this matter, fined \$500, and ordered to pay \$50 Committee case costs. The fine and costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct with thirty (30) days of the date this Findings and Order is filed of

record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL B

By: Valerie L. Kelly
Valerie L. Kelly, Chairperson

Date: October 29, 2008